

IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE TENNESSEE



U.S. Magistrate Judge

ROBERT WAYNE FATHERA,

Plaintiff

v.

3:10-CV-01013
JURY DEMAND

GARY SCHOON,

Defendant

Magistrate Judge
E. Clifton Knowles

MOTION FOR LEAVE TO AMEND COMPLAINT

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff Robert Wayne FATHERA moves for leave to amend his original complaint. The main purpose would be to correct and clarify the *ad damnum* clause.

The original, *pro se* complaint is a bit unclear. For one thing, it asks for different amounts of damages from two different defendants, even though it appears to charge them both with (mostly) the same conduct. The original complaint asks for \$100,000 in damages from Gary Schoon. It also asks for \$250,000 (and injunctive relief) from the Town of Smyrna — a party now removed from the case. Although the original complaint seemingly describes a tort that is intentional and malicious, it does not specify whether it wants compensatory damages, punitive damages, or both.

Once an original complaint is answered, a plaintiff can only amend with the court's